

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT: 3764

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EXAMINER: Crow, S. R.

TITLE: EXERCISE MACHINE COMPRISING TWO HAND GRIPS WHICH ARE PROVIDED WITH A DAMPING DEVICE

Amendment B: REMARKS

Upon entry of the present amendments, previous Claims 1 - 11 have been canceled and new Claim 12 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 1 - 3 were rejected under 35 U.S.C. § 102(b) as anticipated by the Martin patent. Claims 1 - 3 were also rejected under 35 U.S.C. § 102(b) as anticipated by the Birrell patent. Claims 4-11 were previously canceled in response to an election requirement.

As an overview to the present reply, Applicant has extensively amended the original claim language. In particular, new independent Claim 12 replaces the language found in previous independent Claim 1, along with the limitations found in dependent Claims 2 and 3. In particular, new independent Claim 12 specifies that the base has a first connector and a second connector in spaced relationship to each other. It is indicate that the machine frame has "foot supports" formed thereon at a position above the base and "located between ends of the base". The hand grips are now identified as mounted to the machine frame at a location "forward of and above said foot supports". A "mounting rod" is specified as located at the lower end of the pair of hand grips so as to extend

transversely outwardly therefrom at a location below the pivotal mounting. The "first endless rubber belt" is identified as having an end affixed to the mounted rod and an opposite end affixed to the first connector. Similarly, the second endless rubber belt is indicated as having one end affixed to the mounting rod and an opposite end affixed to the second connector. Applicant respectfully contends that these limitations should serve to distinguish the present invention from the prior art Martin patent and the Birrell patent.

With respect to the Martin patent, the Martin patent describes an arm wrestling apparatus. This arm wrestling apparatus does appear to have a pair of endless belts (identified as "resilient bands 50") that are affixed to the reinforcing members 40 and 42. These endless belts extend so as to be received on the telescoping arm 20 which is pivotally mounted to brackets 16. The resilient bands 50 are resistive of forward and rearward movement of the handle 38 associated with the telescoping arm 20.

In the Martin patent, there are no "foot supports" formed at a position above the base and located between the ends of the base. There is no indication that there a "pair of hand grips". The hand grip 38 of the Martin patent is not located forward of any foot supports. The hand grip of the Martin patent does not show a lower end with a mounting rod extending transversely outwardly therefrom at a location below the pivotal mounting. Quite clearly, the resilient band 50 of the Martin patent is located above the pivotal mounting with the bracket. In independent Claim 12, it is now specified that the endless rubber belts are mounted below the pivotal mounting. As such, independent Claim 12 is no longer anticipated by the Martin patent.

The Birrell patent shows a stationary exercise device. A wheel is rotatably mounted to axle mounts 30 and 32 at the rear end of the machine. Foot supports 66 and 76 are mounted on respective foot links 60 and 62. Each of the foot links has a forward end 72 pivotally attached to the crank

assembly 52. The hand grips 82 and 92 are pivotally mounted to the machine frame forward of the foot supports 66 and 76.

Unlike the present invention, the Birrell patent quite clearly fails to show any "endless rubber belts". Each of the hand grips of the Birrell patent does not have a lower end with a mounting rod extending transversely outwardly therefrom such that the first and second endless belts are connected to the mounting rods. There is no endless belt that is resistive of a forward movement of the handle nor an endless belt which is resistive of rearward movement of the handle. On this basis, Applicant contends that independent Claim 12 is no longer anticipated by the Birrell patent.

The present invention provides a relatively inexpensive technique for an exercise machine. The rubber belts can be resistive of the movement backward and forward of the hand grips. This arrangement is located entirely forward of the foot supports.

The present invention does not need the extensive crank assemblies nor rotatable housing suggested by the Birrell patent. In the present invention, the endless belts can be replaced so as to provide additional resistance or less resistance, if desired.

Based upon the foregoing analysis, Applicant contends that independent Claim 12 is now in proper condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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